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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,661

09/19/2006

Pal Kocsis

0103-0004/2

5014

60024

7590

04/21/2009

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EXAMINER

KIM, JENNIFER M

ART UNIT

PAPER NUMBER

1617

MAIL DATE

DELIVERY MODE

04/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,661	Applicant(s) KOC SIS ET AL.	
	Examiner JENNIFER MYONG M. KIM	Art Unit 1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1617

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8 (in parts), 10-15 (in parts), 17 (in parts), 18-23 (in parts), drawn to a pharmaceutical composition which comprises a sodium channel blocker in combination with a selective serotonin uptake inhibitor and the use of the composition for the treatment of **alcohol addiction**.

Group II, claim(s) 1-8 (in parts), 10-15(in parts), 17 (in parts), 18-23(in parts) drawn to a pharmaceutical composition which comprises a sodium channel blocker in combination with a selective serotonin uptake inhibitor and the use of the composition for the treatment of **incontinence of faeces and urine**.

Group III, claim(s) 1-8 (in parts), 10-15(in parts), 17 (in parts), 18-23(in parts) drawn to a pharmaceutical composition which comprises a sodium channel blocker in combination with a selective serotonin uptake inhibitor and the use of the composition for the treatment of **inflammation or intracranial edema**.

Group IV, claim(s) 1-8 (in parts), 10-15(in parts), 17 (in parts), 18-23(in parts) drawn to a pharmaceutical composition which comprises a sodium channel blocker in combination with a selective serotonin uptake inhibitor and the use of the composition for the treatment of **itching**.

Group V, claim(s) claim(s) 1-8 (in parts), 10-15(in parts), 17 (in parts), 18-23(in parts) drawn to a pharmaceutical composition which comprises a sodium channel blocker in combination with a selective serotonin uptake inhibitor and the use of the composition for the treatment of **ischemia and/or subsequent damage caused by reperfusion or retinopathy as a complication of glaucoma**.

Group VI, claim(s) 1-7, 9 (in parts), 10-15(in parts), 16 (in parts), 18-23(in parts) drawn to a pharmaceutical composition which comprises a sodium channel blocker in

Art Unit: 1617

combination with a selective serotonin uptake inhibitor and the use of the composition for the treatment of **chronic pain**.

Group VII, claim(s) 1-7, 9 (in parts), 10-15, 16 (in parts), 18-23 drawn to a pharmaceutical composition which comprises a sodium channel blocker in combination with a selective serotonin uptake inhibitor and the use of the composition for the treatment of **epilepsy**.

Group VIII, claim(s) 1-7, 9 (in parts), 10-15(in parts), 16 (in parts), 18-23(in parts) drawn to a pharmaceutical composition which comprises a sodium channel blocker in combination with a selective serotonin uptake inhibitor and the use of the composition for the treatment of **symptoms or diseases deriving from disorders and/or injuries of the motor system**.

The inventions listed as Groups I-VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the each of the medical disorders or conditions to be treated has different, unrelated etiology and has different known treatment (e.g. the treatment of incontinence of faeces and urine is completely different from the treatment of epilepsy).

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A) various sodium channel blockers e.g. **lamotrigine, crobenetine, oxcarbamazepine and fosphenytoin**)

B) various selective serotonin uptake inhibitors, e.g. **fluoxetine, sertraline, escitalopram etc..)**

Applicants are required, in reply to this action, to elect a **single ultimate species from A) and B) above** to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the

Art Unit: 1617

elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Claims 2-7, 10-15 and 18-23 correspond to the various species of sodium channel blockers and selective serotonin uptake inhibitors.

The following claim(s) are generic: 1.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the species lack the same or corresponding special technical features because they lack common chemical structural moiety having different chemical/physical properties.

Applicants are advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does

Art Unit: 1617

not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER M. KIM whose telephone number is (571)272-0628. The examiner can normally be reached on Monday through Friday 6:30 am to 3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JENNIFER M KIM/
Primary Examiner, Art Unit 1617

Jmk
April 21, 2009